

REMARKS

Claims 1-30 have been cancelled. Claims 31 and 32 are indicated to be allowable. Claims 33-39 are newly added, and are discussed below.

Newly added independent Claim 40 corresponds to Claim 21, now cancelled. Claim 21 was indicated to be allowable if rewritten in independent form.

Newly added independent Claim 41 corresponds to Claim 30, now cancelled. Claim 30 was indicated to be allowable if rewritten in independent form.

Newly added independent Claim 33 requires, *inter alia*, a first plane of material, a second plane of material, and a third plane of material, where the third plane of material is positioned between the first plane of material and the second plane of material to form a sandwiched material that is joined by an adhesive. The first plane of material, the second plane of material, and the third plane of material are held together by a first vertical stile that contacts an edge of the first plane of material and an edge of the second plane of material. Claim 33 also requires a second generally vertical stile that hold the first plane of material, the second plane of material, and third plane of material together creating the first side of the second stile contacts an edge of the first plane of material and the second side of the second stile contacts an edge of the second plane of material.

The prior art of record does not teach a window covering for exterior use comprising a first plane of material, a second plane of material, and a third plane of material that are held together by opposing generally vertical stiles.

The prior art does not recognize or suggest that the use of at least three planes of material held together by vertical and opposing stiles will yield a window covering of superior strength. It would not be obvious to combine the cited references to produce the window covering for exterior use as required by Claim 33.

The inventors learned that if they formed a sandwich material comprising three layers of material, bonded layers of material by adhesive, and further held the three layers of material together by opposing generally vertical stiles, that they could produce a window for exterior use having superior resistance to wind-driven missiles, wind borne debris, and static air pressure.

As set forth in the Declaration of Harry Rembert, filed pursuant to 37 C.F.R. Section 1.132, the inventors achieved unexpected results by building a window covering/shutter having three planes of material that form a sandwich material, wherein three planes of material are bonded together by adhesive, and are held together by opposing generally vertical stiles. The resulting window covering/ shutter, as defined by Claim 33, complies with ASTM standard E1886, (which includes storm shutters impacted by missiles and exposed to cyclic pressure differentials), ASTM standard E1996, (which includes storm shutters impacted by wind borne debris during hurricanes), and ASTM standard E330, (which includes shutters subjected to uniform static air pressure differences).

The Examiner relies upon *Goldhaber*, U. S. Patent Number 3,978,614, which teaches a window (not a covering for a window as that term is used herein). The glazing in *Goldhaber* is a single plane of glazing material surrounded by stiles. *Goldhaber* does not teach at least three planes of material, as required by Claim 33. The single plane of glazing material would not achieve the results of the device of Claim 33, according to Mr. Rembert, and would not conform to the ASTM E1886, E1996, and E330.

The Examiner cites *Clock, et al.*, U. S. Patent Number 3,762,988, as teaching multiple planes of material. *Clock et al.* is directed to safety glass. One skilled in the art, while attempting to produce a superior covering for a window (as opposed to a window or glass), would not look to the arts pertaining to windows and glass, since one skilled in the art would recognize that windows and glass, when struck by wind borne debris or wind driven missiles, will break. More importantly, one skilled in the art will understand that no glass or window, including safety glass, will comply with ASTM E1886 and E1996.

With regard to the combination of *Goldhaber* and *Clock, et al.*, there is no motivation found in these references to bond three layers of material with adhesive, and place opposing vertical stiles that wrap around the edges of the three layers of material to form a window covering.

Clock, et al. teach away from the present invention. One skilled in the art would understand that the safety glass of *Clock, et al.* would shatter if struck by wind driven debris or missiles.

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The Examiner states that it would be obvious to one having ordinary skill in the art to "replace the single plane of material of *Goldhaber* with the triple plane of material that is taught by *Clock, et al.* in order to form a **window** that is not only strong, but that is also virtually tear resistant and distributes loads effectively (emphasis added)." The safety glass of *Clock et al.* will shatter if struck by a missile during a hurricane, and will therefore not work as a window covering. Further, the statement is irrelevant, since the present invention does not claim a window. The present invention discloses and claims a window covering, which as used in the application, means a protective device for a window.

Claims 31-41 are in condition for allowance. Review and allowance at the earliest date is requested.

Respectfully submitted,



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